

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*
Plaintiffs,

v.

National Football League and
NFL Properties, LLC,
successor-in-interest to
NFL Properties, Inc.,
Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

CIVIL ACTION NO: 14-29

**MOTION OF PROPOSED CO-LEAD CLASS COUNSEL, CLASS COUNSEL,
AND SUBCLASS COUNSEL FOR AN ORDER: (1) GRANTING PRELIMINARY
APPROVAL OF THE CLASS ACTION SETTLEMENT AGREEMENT; (2)
CONDITIONALLY CERTIFYING A SETTLEMENT CLASS AND SUBCLASSES;
(3) APPOINTING CO-LEAD CLASS COUNSEL, CLASS COUNSEL, AND SUBCLASS
COUNSEL; (4) APPROVING THE DISSEMINATION OF CLASS NOTICE;
(5) SCHEDULING A FAIRNESS HEARING; AND (6) STAYING CLAIMS AS TO
THE NFL PARTIES AND ENJOINING PROPOSED SETTLEMENT
CLASS MEMBERS FROM PURSUING RELATED LAWSUITS**

Plaintiffs' Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel move, pursuant to Federal Rules of Civil Procedure 23(a), 23(b)(3), and 23(e), for the entry of the Proposed Preliminary Approval and Class Certification Order, attached as Exhibit A. The proposed order seeks: (1) preliminary approval of the Class Action Settlement Agreement;

(2) conditional certification of the Settlement Class and Subclasses; (3) appointment of Co-Lead Class Counsel, Class Counsel, and Subclass Counsel; (4) approval of the dissemination of Class Notice; (5) scheduling of a Fairness Hearing; and (6) the stay of claims as to the NFL Parties and enjoinder of proposed Settlement Class Members from pursuing Related Lawsuits.

1. The terms of the Settlement are set forth in the Settlement Agreement, dated January 6, 2014, attached as Exhibit B.

2. The relief sought in this Motion is supported by:

a. Declaration of Katherine Kinsella, attached as Exhibit C (which includes as exhibits thereto, the proposed Long-Form Notice to Retired NFL Football Players and their Representative Claimants and Derivative Claimants, and the Summary Notice);

b. Declaration of Mediator and Former United States District Court Judge Layn R. Phillips in Support of Preliminary Approval of Settlement, attached as Exhibit D.

c. Memorandum of Law In Support of Motion of Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel for an Order: (1) Granting Preliminary Approval of the Class Action Settlement Agreement; (2) Conditionally Certifying a Settlement Class and Subclasses; (3) Appointing Co-Lead Class Counsel, Class Counsel, and Subclass Counsel; (4) Approving the Dissemination of Class Notice; (5) Scheduling a Fairness Hearing; and (6) Staying Claims as to the NFL Parties and Enjoining Proposed Settlement Class Members from Pursuing Related Lawsuits, filed contemporaneously herewith.

WHEREFORE, Proposed Co-Lead Class Counsel, Class Counsel, and Subclass Counsel request that the Court enter the proposed Preliminary Approval and Class Certification Order.

Dated: January 6, 2014

Respectfully Submitted:

/s/ Christopher A. Seeger
Christopher A. Seeger
SEGER WEISS LLP
77 Water Street
New York, NY 10005
Phone: (212) 584-0700
Fax: (212) 584-0799
cseeger@seegerweiss.com

Co-Lead Class Counsel

Sol Weiss
ANAPOL SCHWARTZ
1710 Spruce Street
Philadelphia, PA 19103
Phone: (215) 735-1130
Fax: (215) 735-2024
sweiss@anapolschwartz.com

Co-Lead Class Counsel

Class Counsel

Steven C. Marks
PODHURST ORSECK P.A.
City National Bank Building
25 W. Flagler Street, Suite 800
Miami, FL 33130-1780
Phone: (305) 358-2800
Fax: (305) 358-2382
smarks@podhurst.com

Gene Locks
LOCKS LAW FIRM
The Curtis Center
Suite 720 East
601 Walnut Street
Philadelphia, PA 19106
Phone: 866-562-5752
Fax: (215) 893-3444
glocks@lockslaw.com

Subclass Counsel

Arnold Levin
LEVIN FISHBEIN SEDRAN & BERMAN
510 Walnut Street, Suite 500
Philadelphia, PA 19106
Phone: (215) 592-1500
Fax: (215) 592-4663
alevin@lfsblaw.com

Counsel for Subclass 1

Dianne M. Nast
NAST LAW LLC
1101 Market Street, Suite 2801
Philadelphia, Pennsylvania 19107
Phone: (215) 923-9300
Fax: (215) 923-9302
DNast@nastlaw.com

Counsel for Subclass 2

Of Counsel

Thomas V. Girardi
Graham B. LippSmith
GIRARDI KEESE
1126 Wilshire Blvd
Los Angeles, CA 90017
Phone: (213) 977-0211
Fax: (213) 481-1554
tgirardi@girardikeese.com
glippsmith@girardikeese.com

James R. Dugan, II
THE DUGAN LAW FIRM
One Canal Place, Suite 1000
365 Canal Street
New Orleans, LA 70130
Phone: (504) 648-0180
Fax: (504) 648-0181
jdugan@dugan-lawfirm.com

Michael L. McGlamry
**POPE, MCGLAMRY, KILPATRICK
MORRISON & NORWOOD, P.C.**
3455 Peachtree Road, NE
The Pinnacle, Suite 925
P.O. Box 191625 (31119-1625)
Atlanta, GA 30326-3243
Phone: (404) 523-7706
Fax: (404) 524-1648
efile@pmkm.com

Michael D. Hausfeld
Richard S. Lewis
HAUSFELD LLP
1700 K Street, N.W., Suite 650
Washington, D.C. 20006
Phone: (202) 540-7200
Fax: (202) 540-7201
mhausfeld@hausfeldllp.com
rlewis@hausfeldllp.com

Anthony Tarricone
KREINDLER & KREINDLER LLP
277 Dartmouth Street
Boston, MA 02116
Phone: (617) 424-9100
Fax: (617) 424-9120
atarricone@kreindler.com

David A. Rosen
ROSE, KLEIN & MARIAS LLP
801 South Grand Avenue, 11th Floor
Los Angeles, CA 90017-4645
Phone: (213) 626-0571
Fax: (213) 623-7755
d.rosen@rkmlaw.net

Charles S. Zimmerman
ZIMMERMAN REED PLLP
1100 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Phone: (612) 341-0400
Fax: (612) 341-0844
charles.zimmerman@zimmreed.com

David S. Casey, Jr.
Fred Schenk
CASEY GERRY SCHENK
FRANCAVILLA BLATT & PENFIELD
LLP
110 Laurel Street
San Diego, CA 92101-1486
Phone: (619) 238-1811
Fax: (619) 544-9232
dcasey@cglaw.com
fschenk@cglaw.com

Derriel McCorvey
THE LAW FIRM OF DERRIEL C.
MCCORVEY
115 W. Main Street, Suite 14
P.O. Box 2473
Lafayette, LA 70501
Phone: (337) 291-2431
derriel@mccorveylaw.com